

On August 22, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

23014. Misbranding of Regalsu. U. S. v. 10 Packages and 3 Packages of Regalsu. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 33095. Sample no. 64677-A.)

This case involved a drug preparation, the labeling of which bore unwarranted curative and therapeutic representations. The labeling was further objectionable since the claim was made that the article was harmless, whereas the continued use of a product of the type is capable of producing harmful effects, and since analysis showed that the composition differed from that claimed.

On July 19, 1934, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 small packages and 3 medium packages of Regalsu at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce, on or about March 5, 1934, by the Regalsu Chemical Co., from Detroit, Mich., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of phenolphthalein (1 grain per fluid drachm), salts of bile acids, salicylic acid, and a fatty acid, glycerin, alcohol (24.8 percent), and water.

The article was alleged to be misbranded in that the statement on the bottle label, carton wrapper, and circular, "A remarkable combination of oleates, choleates, bile salts and aromatics", and the statement in the circular, "Regalsu is a harmless remedy", were false and misleading, since the composition of the article differed from that claimed, and since continued use of a product of that type is capable of producing harmful effects. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, appearing in the labeling, were false and fraudulent: (Bottle label and carton wrapper) "Regalsu Relieves Gall Suffering * * * Indicated in Treatment of Biliary Insufficiency, Cholangitis, Cholecystitis and Attending Gall Bladder and Gallstone Disorders"; (circular) "Regalsu Relieves Gall Suffering * * * This Combination Has Been Very Successfully Used By Physicians in treatment of Stomach Disorders (due to Biliary Insufficiency), Cholangitis, Bile Duct Irritations, and attending Gall Bladder and Gall Stone Disorders. * * * Regalsu has been very successfully employed in treatment of torpid Liver, congested Gall Bladder or Ducts, poor circulation of Bile (Gall) secretion, or unhealthy, poisonous Bile in the system (whether gallstones are present or not). Also in Gall Bladder and Gall Duct infections. Often in this class of cases mucus collects in the intestine and the orifice of the bile duct is wholly or partly blocked. This interferes with the free flow of bile which is an important factor in the prevention of intestinal putrefaction, auto-toxemia and allied disorders. * * * stimulating the Liver * * * an excellent treatment of such cases. Liver Inactivity And Chronic Constipation In treatment of Chronic Constipation, due to lack of bile, Regalsu has rendered excellent service when used in proper dosage and continued sufficiently long to establish beneficial effect. The object is not so much to empty the bowel promptly as it is to bring about re-establishment of more nearly normal bowel functions. * * * Cholangitis and Cholecystitis if allowed to persist, are predisposing causes of gall stone formation. In those cases of Cholangitis and Cholecystitis, where the physician seeks to * * * allay intestinal putrefaction, to remove mucus, * * * the use of Regalsu is an effective treatment. Gall Stones And Gall Bladder In the more advanced cases of Gall Stone and Gall Bladder disorders, where removal by operation or drainage may be indicated, Regalsu has been found to be a most effective and rational treatment, often eliminating the necessity of the operation by restoring the normal functions. If operation is after this treatment found necessary the patient will be in much better general condition to undergo the strain. * * * Should the patient have distress or pain from indigestion, * * * etc., especially after eating, it is advisable to prepare a dose and take it as required. * * * Proper bowel movement is essential to success. * * * where a chronic constipated condition exists, cathartic will be helpful. * * * In some instances as the Liver and Gall start to function properly, the expelling of unhealthy bile in the stomach, may cause a slight nauseated stomach for a time or two. If this occurs, discontinue the treatment for a day or so and

then continue as before when this trouble should have disappeared. * * * about 3 months continued treatment is usually necessary for permanent results."

On August 29, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

23015. Misbranding of Alberty's Calcatine. U. S. v. 40 Dozen Packages and 30 Dozen Bottles of Alberty's Calcatine. Decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 33107, 33273. Sample nos. 69241-A, 2608-B.)

These cases involved shipments of Alberty's Calcatine, the labels of which contained unwarranted curative and therapeutic claims.

On July 23, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 dozen packages of Alberty's Calcatine at Philadelphia, Pa. On or about August 24, 1934, a libel was filed in the Northern District of Illinois, against 30 dozen bottles of Alberty's Calcatine at Chicago, Ill. It was alleged in the libels that the article had been shipped in interstate commerce, in part on or about September 26, 1933, by the Alberty Food Laboratories, and in part on or about January 27 and February 17, 1934, by U. S. Okey (a fictitious name used by the Alberty Food Laboratories), from Hollywood, Calif., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of milk sugar and small proportions of compounds of calcium and phosphorus. The total ash (inorganic material) yielded by the tablets was 0.04 milligram each.

The article was alleged to be misbranded in that the statements on the label, "Alberty's Calcatine Calcium elements combined in an organic form. * * * conditions growing out of lack of calcium in system", were false and fraudulent, since they created the impression that the article would supply the calcium needed in calcium-deficient conditions, when, as a matter of fact, the calcium furnished by the tablets, when taken in accordance with directions appearing on the label, viz: "Take 3 pellets every 2 hours for first 30 days then 3 pellets before meals", would be essentially inconsequential.

On October 11 and October 29, 1934, Thomas Martindale & Co., Philadelphia, Pa., and Adah Alberty, trading as Alberty's Food Laboratories, Hollywood, Calif., having appeared as claimants for the respective lots, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimants upon payment of costs and the execution of good and sufficient bonds, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

23016. Adulteration and misbranding of Alberty's German Herb Lax-Tonic. U. S. v. 9 Cartons, et al., of Alberty's German Herb Lax-Tonic. Decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 33108, 33274. Sample nos. 69242-A, 2609-B, 2612-B.)

These cases involved shipments of a drug preparation, the labeling of which bore unwarranted curative and therapeutic claims. The labeling was further objectionable since it contained false and misleading representations that the product was of German origin and that it was safe, noninjurious, and harmless; and since it was not composed of the ingredients listed in the alleged formula.

On July 23, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 7 dozen boxes of Alberty's German Herb Lax-Tonic at Philadelphia, Pa. On or about August 24, 1934, a libel was filed in the Northern District of Illinois against 9 cartons and 12 dozen cartons of the same product at Chicago, Ill. It was alleged in the libels that the article had been shipped in interstate commerce, from Hollywood, Calif., in part on or about September 26, 1933, by the Alberty Food Laboratories, into the State of Illinois, and in part on or about December 16, 1933, and February 17, 1934, by U. S. Okey, into the State of Pennsylvania, and that it was misbranded, and a portion was adulterated in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of anise, fennel, senna, althea, licorice, frangula, dog grass, equisetum, yarrow, and elder flowers.